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TO: Examiner Shahnam J. Sharareh **FROM:** Frank C. Eisenschenk, Ph.D.
COMPANY: U.S. Patent Office, Art Unit 1617 **DATE:** April 24, 2006
FAX NO.: 1-571-273-8300 **NO. OF PAGES:** 30
(INCLUDING COVER SHEET)

SUBJECT/MESSAGE:

Re: U.S. Patent Application Docket No. MET-037CXT
COMBINATION OF FBPase INHIBITORS AND ANTIDIABETIC AGENTS
USEFUL FOR THE TREATMENT OF DIABETES
(van Poelje, Erion, Fujiwara)
Serial No. 09/900,364; filed July 5, 2001

Attachment: Election Under 35 U.S.C. § 121 (29 pages)

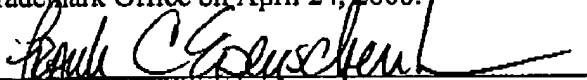
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facsimile transmitted to the United States Patent
and Trademark Office on April 24, 2006.


Frank C. Eisenschenk, Ph.D., Patent Attorney

ELECTION UNDER 35 U.S.C. § 121
Examining Group 1617
Patent Application
Docket No. MET-037CXT
Serial No. 09/900,364

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 24 2006

Examiner : Shahnam J. Sharareh
Art Unit : 1617
Applicants : Paul D. van Poelje, Mark D. Erion, Toshihiko Fujiwara
Serial No. : 09/900,364
Filed : July 5, 2001
Conf. No. : 7049
For : Combination of FBPase Inhibitors and Antidiabetic Agents Useful for the
Treatment of Diabetes

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

ELECTION UNDER 35 U.S.C. § 121

Sir:

In response to the written Restriction Requirement dated February 24, 2006 in the above-
identified patent application, Applicants hereby elect to prosecute the following:

J:\MET\037CXT\Amend-Resp\Election.doc\DNB/sl

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Docket No. MET-037CXT
Serial No. 09/900,364

With respect to insulin secretagogues, Applicants elect sulfonylurea antidiabetic agents, with a further election of glyburide as the specific specie elected within this group of compounds. As the ultimate species of FBPase inhibitor, Applicants hereby elect Compound J (identified at page 300 of this application). Compound J corresponds to a compound within Formula I.

